

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/62/90659/E
Site Address:	3, Oxford Drive, Gomersal, Cleckheaton, BD19 4TU
Description:	Erection of single storey rear and side extension
Recommending Officer:	Katie Wilson

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 15-Jun-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/90659	
Location	3, Oxford Drive, Gomersal, BD19 4TU	
Proposal	Erection of single storey rear and side extension	
Publicity end date	8 th May 2023	
Number of representations received	None	
Kirklees Local Plan Allocation/Designation	Unallocated	
Extension to Time (EoT)	Yes	EoT Date: 15 th June 2023
Recommendation	Conditional Full Permission	

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) July 2021
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document 'House Extensions and Alterations' (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought	N/A	
Planning History		None at the application site: At 1, Oxford Drive:

		<p>17/90664 – Erection of two storey side extension and pitched roof to garage. Approved Planning application details Kirklees Council</p> <p>At 5, Oxford Drive: 90/00255 – erection of single storey extension to form living room, enlarged bedroom, toilet, kitchen/dining. Approved Planning application details Kirklees Council</p>
Consultations required	No	

Assessment

The Kirklees SPD sets out that single storey side and rear extensions should comply with certain parameters set out at paragraph 5.17 on page 28, and paragraph 5.6 on page 24 respectively (and listed below) and if they do not, they need to be justified:

Single storey side extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Not extend more than two thirds of the width of the original house	Yes	
Not exceed a height of 4 metres; and	Yes	
Be set back at least 500mm from the original building line to allow for a visual break.	Yes	

Single storey rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Be in keeping with the scale and style of the original house.	<p>Yes – original house is a modestly proportioned 2-storey detached house, with conservatory at the back.</p> <p>In terms of scale, the footprint of the proposed extensions would be significantly less than the original building and replace the existing conservatory. They would also be single storey. As such they are considered to be in keeping in scale.</p> <p>In terms of style, the proposed extensions would have a contrasting roof design (ie flat roof with lantern light, rather than dual or mono pitched). However, this design combination is increasingly seen in domestic situations and in this instance there are other examples in the area. As such the contrasting roof design is considered acceptable.</p> <p>The walls of the proposed extensions would be in matching brickwork, and window / door openings are considered acceptable for a domestic</p>	

	extension, as is the glass lantern light.	
Not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes	
Not exceed 4 metres in height	Yes	
Not project out more than 3 metres from the rear wall of the original house for a semi-detached or terraced house, or by 4 metres for detached properties		<p>No – the proposed extensions would project 4.0m to the rear and be close to the mutual boundary with 5, Oxford Drive.</p> <p>However, in this instance the neighbouring property at 5, Oxford Drive also has a single storey flat roofed extension at the back close to the boundary, which projects a similar distance. As such, it is considered that this provides adequate mitigation to justify not conforming with this element of the SPD and is considered acceptable.</p>
Where they exceed 3m in length the eaves height should generally not exceed 2.5 metres; and		<p>No – The proposed extensions would have a flat roof with eaves approximately 2.6m high.</p>

		In officers' opinion the impact of this additional height would be miniscule and not cause harm to visual or residential amenity.
Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.		No – The proposed rear extension would be adjacent to the property boundary. However, in this instance for the reasons given above, it is considered that there are mitigating circumstance providing justification for non-compliance with this element of the SPD.

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character:

The application property is a two-storey detached house, thought to date from the 1970s or 80's, with red brickwork walls, grey tiled roof and side gables. It is located in a moderately sized residential cul-de-sac, where there are houses of similar design and materials. Most have been altered in a variety of ways, including a flat roofed wrap around extension at neighbouring property to the south west.

All the properties are set back from the access road with driveway and garden to the front, and uniform front building line. The rear boundaries of 1 to 23, Oxford Drive border Gomersal cricket ground and their rear elevations and gardens contain a variety of extensions and outbuildings together with other domestic paraphernalia. These are seen to some extent from the cricket round and the approach along Oxford Drive.

The wider area is residential in character with other housing estates to the north, south and west.

Consideration has been given here in terms of the proposal's impact on the local character and street scene, including subservience, terracing and building line

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	<ul style="list-style-type: none"> • KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF 	<p>Similar properties in the same residential estate have been extended in various ways including a similar single storey, flat roofed wrap-around extension to the neighbouring property at 5, Oxford Drive.</p> <p>Whilst the proposed extensions would have a contrasting roof design to the original house, it is considered to complement the host dwellinghouse and would have a visually acceptable impact upon the host dwellinghouse.</p> <p>From the front it is considered that it would have minimal impact as the proposed side extension is well set back from the front elevation and screened to a large extent by the host building and 1, Oxford Drive.</p> <p>The rear elevation of the house can be seen to some extent from the cricket ground and first part of Oxford Drive. However, it is within a row of other houses that are also extended in various ways and within this context, it is considered that it would</p>	

		be in keeping with the existing character of the street-scene.	
Impact on original house	<ul style="list-style-type: none"> • KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF 	The proposed extensions would appear subservient to the original part of the house. It is considered that they would be a satisfactory replacement for the existing conservatory.	
Height, scale and massing	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	<p>The original house is a 2-storey detached house.</p> <p>The current proposal would be single storey with flat roof design and footprint significantly smaller than the host dwellinghouse. As such it is considered that it would be subordinate to the host building.</p>	
Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF 	The proposed extensions would have external walls in brickwork to match the existing house and this is considered acceptable in terms of visual amenity.	
Roof style	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	Although the roof style is flat and not the same as the original part of the house, it is considered that it would complement the host dwellinghouse and blend in satisfactorily with the character of the area.	
Window proportions	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP 	<p>The window and door proportions are similar to those on the host building.</p> <p>The new glazing is considered acceptable.</p>	

	<ul style="list-style-type: none"> Chapter 12 of the NPPF 		
Accessibility for all users	<ul style="list-style-type: none"> KDP 17 of the SPD Policy LP24 Design (f) Chapter 12 of the NPPF 	A private domestic extension which would not change the existing access into / around the property.	

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- No. 1, Oxford Drive – it is a detached house to the north of the application site. It has a two storey extension to one side and single storey elements to the opposite side (closest to the application site). There is a close boarded fence along the mutual boundary around 2.0m high.*
- No 5, Oxford Drive – This is another similar 2-storey detached house. It is located to the south of the application site. It has a single storey, flat roofed extension to the rear with wrap around car port to the side.*
- Gomersal cricket ground – This is located to the east of the application side and adjacent to the rear of the property where there is a wall with close boarded fencing above, overall height around 3.0m. Around part of the perimeter of the cricket ground there is protective fencing around 10m high.*
- Other neighbouring properties are further away and screened either entirely or to a very great extent by the existing house at the application site or adjacent houses.*

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to northern and southern sides)	<ul style="list-style-type: none"> KDP 3 & 4 of the SPD Policy LP24 Design (d) (iv) Chapter 12 of the NPPF 	The proposed extensions would have walls close to the boundaries with neighbouring properties at 1 and 5, Oxford Drive. However, no openings	

		<p>are proposed in either side elevation. New openings could be controlled by condition, but in this instance because they are at ground floor level only and would look directly onto either fencing around 2.0m high or blank facing elevations at close quarters, it is considered that it would be unnecessary and so not meet the tests for planning conditions set out in the NPPF.</p> <p>Patio doors and a window in the rear elevation would look directly onto the back garden and boundary walling to cricket ground.</p> <p>Residential properties to the front and on the opposite side of Oxford Drive are a considerable distance away and unaffected.</p> <p>As such it is considered that the proposed extension would have no overlooking impact upon neighbouring properties.</p>	
<p>Impact on light and outlook of neighbours (to sides, rear and front)</p>	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	<p>The proposed extensions would have a flat roof and overall height of around 2.6m.</p> <p>Whilst they would be close to the mutual boundaries with 1 and 5, Oxford Drive given that the latter already has a rear extension close to</p>	

		the boundary that projects a similar distance and the former would be affected by the proposed side extension, which would project just a small distance beyond the rear building line, it is considered that the overshadowing and overbearing impacts would be minimal.	
Remaining garden space of application property	<ul style="list-style-type: none"> • KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF 	Although the proposed development would reduce garden space at the back, it would retain all existing at the front and much of the space to the side. As such it is considered that it would comply with the relevant policies.	

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	The proposed development would not impact upon existing access to the highway, and complies with relevant policies.	
Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	The proposed development would create an additional bedroom however it would retain parking for two vehicles in tandem on the driveway and a further space could be	

		created adjacent to these in the front garden if required. This would provide adequate off street parking for the enlarged house.	
Provision for waste storage	<ul style="list-style-type: none"> • KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	The proposed development would not affect the existing arrangements for the storage and collection of household waste.	

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	<ul style="list-style-type: none"> • KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) • Policy LP33 Trees • Chapter 12 of the NPPF 	No trees would be affected by the proposed development	
Impact on ecology	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF 	No ecological constraints at the property.	
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> • KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF 	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions.	✓
Drainage and Flood Risk	<ul style="list-style-type: none"> • KDP 14 of the SPD 	The proposed development is not	✓

	<ul style="list-style-type: none"> Policy LP24 (d) (vii), LP27 and LP34 of the KLP 	located within an identified Flood Risk Zone 2 or 3 area.	

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed N/A
None		

Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number: 2023/90038

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external walls of the extensions hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration,

repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 3.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			28.02.2023
Existing ground floor plan and elevations	Dwg no. 2023/403/01		28.02.2023
Proposed site plan	Dwg no. 2023/403/06		28.02.2023
Proposed floor plan	Dwg no. 2023/403/05		28.02.2023
Proposed front elevation	Dwg no. 2023/403/02		28.02.2023
Proposed rear elevation	Dwg no. 2023/403/03		28.02.2023
Proposed side elevation	Dwg no. 2023/403/04		28.02.2023
Additional information: Climate change statement			28.02.2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 15.06.2023

